

Drug and Alcohol-Free Workplace



POLICY

All employees are notified at the time of hire that it is the policy of CSCSO to maintain a drug and alcohol-free work environment and to conduct pre-employment, for-cause, post-accident, random, fitness-for duty and/or return from leave, and post-rehabilitation drug and alcohol testing. Further, employees are notified that the manufacture, distribution, sale, dispensing, possession, use or being under the influence of alcohol or a controlled substance [prescription or not] is prohibited during the hours of employment and is grounds for immediate termination. The corporation reserves the right to require all employees to submit to a substance screen by urine, hair, saliva, breath, or blood sample when requested.

Employees are assured the highest degree of confidentiality regarding testing and test results. Only senior management personnel with a “need-to-know” will have access or knowledge of testing and test results.

EXPECTATIONS



1. Policy purpose:

- a. To assure the safety of people who have selected CSCSO as their service provider,
- b. to assure all supports are provided by employees who are not impaired by drugs or alcohol,
- c. to assure greater safety when operating equipment and vehicles,
- d. to reduce crime in the workplace,
- e. to reduce absenteeism and tardiness,
- f. to increase employee effectiveness, productivity and reliability, and
- g. to secure a living environment that protects the property and well-being of people receiving supports and sustains the highest quality of services.

2. Compliance

- a. Employees are prohibited from possessing alcoholic beverages of any kind, medical marijuana, controlled substances (prescription or not), and/or illegal drugs or drug paraphernalia while at work or during hours of employment.
- b. Employees are prohibited from consuming alcoholic beverages of any kind, medical marijuana, controlled substances (prescription or not), and/or illegal drugs while at work or during hours of employment.
- c. Employees are prohibited from being impaired while at work or during the hours of employment

3. Testing/Screening

- a. For cause testing: Is conducted when there is reasonable belief that the employee may be under the influence of drugs or alcohol, including, but not limited to, the following circumstances:
 - i. Drugs or alcohol on or about the employee’s person or in the employee’s vicinity,
 - ii. conduct on the employee’s part that suggests impairment or influence of drugs or alcohol,
 - iii. a report of drug or alcohol use while at work or during the hours of employment,
 - iv. information that an employee has tampered with drug or alcohol testing at any time,
 - v. negative performance patterns, or
 - vi. excessive or unexplained absenteeism or tardiness, or
 - vii. the employee has violated the Drug and Alcohol-Free Workplace Policy.
- b. Post-accident testing is conducted if an employee’s conduct could have contributed to an accident while at work which results in an injury to the employee or another person or damage to property, including damage to equipment. If CSCSO conducts a post-accident test, CSCSO will require employees whose conduct could have contributed to the accident to undergo a drug or alcohol

test, whether or not they reported an injury. Any testing will occur as soon as practicable after the accident.

- c. Random testing is conducted as a part of a comprehensive random testing policy.
- d. Fitness-for-duty and return from leave testing is conducted when an employee indicates they are unable to perform their duties or have given the employer reasonable belief that drug or alcohol usage affects their job performance, or is in connection with an employee's return to duty from leave of absence.
- e. Post-rehabilitation testing is conducted as a part of a substance abuse post rehabilitation program. Employees with a positive test result may be retested at the employer's discretion without notice for up to two years from the date of the employee's return to work. Any second positive result will cause immediate termination of employment.

4. Substances covered by testing

- a. The substances tested shall be for drugs and alcohol as defined in the Oklahoma Standards for Workplace Drug and Alcohol Testing Act.

5. Marijuana Use, Possession, or Impairment

- a. Medical marijuana is legal in Oklahoma. Employees with a valid Oklahoma medical marijuana license will not be discriminated against or penalized solely based upon their status as a medical marijuana license/prescription/card holder. Nor will CSCSO take action solely based upon the results of a drug test showing positive for marijuana or its components.
- b. Any applicant who applies for a position identified by CSCSO as safety-sensitive is not eligible for hire in the event he/she tests positive for marijuana components or metabolites. Any employee who holds a position identified by CSCSO as safety-sensitive is subject to discipline up to and including discharge in the event he/she tests positive for marijuana components or metabolites. This includes applicants and employees who have valid Oklahoma medical marijuana licenses.
- c. Safety-sensitive positions will be designated as such on job descriptions, and employees will be informed in writing if their position is designated as safety-sensitive.
- d. However, CSCSO prohibits all employees – including those with valid medical marijuana licenses/prescriptions/cards and those who live in states where recreational marijuana is legal – from using or possessing marijuana while on CSCSO's premises or during the hours of an associate's employment. This prohibition against marijuana use or possession applies to any of CSCSO's properties or work sites, including exterior areas, parking locations, personal vehicles or Company vehicles and during any hours of employment when an employee is performing work or providing services. The prohibition also applies to customer, client or other third party locations or premises where an employee is performing work or providing services. If an employee's hours of employment include transportation or travel, then the prohibition against marijuana use or possession applies to that transportation or travel time.
- e. Violation of this Policy may result in discipline up to and including termination. If you have any questions about this Policy or its application please contact Human Resources

6. Testing Methods and Collection Procedures

- a. All collection and testing shall be done in accordance with the rules promulgated by the Oklahoma State Board of Health.
- b. All sample collection and testing for drugs and alcohol pursuant to the provisions of State statute shall be conducted in accordance with the following conditions:
- c. Samples shall be collected and tested only by individuals deemed qualified by the State Board of Health.
- d. Samples may be collected on Company premises or at a laboratory or other collection facility.
- e. Only samples deemed appropriate by the State Board of Health for drug and alcohol testing shall be collected.
- f. The collection of samples shall be performed under reasonable and sanitary conditions.

- g. A sample shall be collected in sufficient quantity for splitting into two separate specimens, pursuant to rules of the State Board of Health, to provide for any subsequent independent analysis in the event of a challenge of the test results on the main specimen
- h. Samples shall be collected and tested with due regard to the privacy of the individual being tested. When urine samples are to be used for testing, no Company representative, agent or designee of CSCSO shall directly observe an applicant or employee in the process of producing a urine sample; provided, however, collection shall be in a manner reasonably calculated to prevent substitutions or interference with the collection or testing of reliable samples.
- i. Sample collection shall be documented, and the documentation procedures shall include:
 - i. If there is reasonable belief that the employee may be under the influence of drugs or alcohol during the hours of employment, this belief will be verified by completing a reasonable suspicion checklist provided by CSCSO.
 - ii. If it is confirmed that the employee may be under the influence during the hours of employment, a supervisor will transport the employee to the testing facility for testing/ screening.
- j. Sample collection, storage, and transportation to the testing facility shall be performed so as to reasonably preclude the probability of sample contamination or adulteration.
- k. Sample testing shall conform to scientifically accepted analytical methods and procedures.
- l. A written record of the chain of custody of the sample shall be maintained from the time of the collection of the sample until the sample is no longer needed.

7. Testable Sample

- a. Regardless of the reason for testing, an applicant or employee must cooperate to produce a sample capable of being tested and evaluated for drugs or alcohol. The testing facility will determine if a sample is adequate for evaluation.
- b. When a sample is inadequate as the result of a verifiable medical condition, the applicant or employee will be given a second chance to provide a usable sample for testing within 24 hours of notice the first specimen was not adequate for testing.
- c. In the absence of a verifiable medical condition that prevents production of a usable sample by an applicant, the employment process will be discontinued and the conditional offer of employment will be withdrawn.
- d. An employee who is unwilling or unable to provide evidence of a verifiable medical condition that prevents production of a usable sample will be subject to disciplinary action up to and including termination.
- e. Whenever there is reason to believe an applicant or employee altered or substituted a sample, the applicant or employee will be required to provide a second sample as soon as possible under the direct observation of a collection site person. Failure or refusal to provide a usable sample within the required time period will result in the immediate discontinuation of the employment process or immediate termination from employment.

8. Testing and Collection Procedures

- a. Random Testing
 - i. The Director of Human Resources or designee will notify the Senior Support Coordinator (SSC) in each geographic area of the names of the employees who will be expected to participate in a substance screening.
 - ii. The SSC will be responsible for determining the day and time that testing will be completed.
- b. For Cause Testing
 - i. If there is reasonable belief that the employee may be under the influence of drugs or alcohol during the hours of employment, this belief will be verified by completing a reasonable suspicion checklist provided by CSCSO.
 - ii. If it is confirmed that the employee may be under the influence during the hours of employment, a supervisor will transport the employee to the testing facility for testing/

screening.

- c. Testing will normally occur during or immediately after the regular work period of current employees and shall be deemed work time for the purposes of compensation. Testing done outside normal working hours must have prior approval of the Executive Director, the Director of Program Operations or the Director of Human Resources and shall be deemed work time for the purposes of compensation.
- d. Employees participating will be given a written explanation of the testing procedure, a copy of the current policy and will be asked to sign an acknowledgement copy for their personnel file

9. Tampering with Samples

- a. All samples will be collected in a manner which is designed to protect to the fullest extent possible individual privacy of employees. The actual or attempted tampering, adulteration and/or manipulation of drug and alcohol testing samples is prohibited. If there is a valid suspicion that the employee has tampered with or attempted to substitute a sample, however, preventive measures will be employed. Any individual who attempts to alter, tamper or manipulate any testing samples will be subject to termination from employment, or will not be eligible for employment.

10. Employee Rights

- a. Employees have the right to receive a copy of any substance testing result and record related to that employee's testing during their term of employment with CSCSO.
- b. Employees have the right to explain, in confidence, the test results to the Medical Review Officer. If a prescription medication triggered the positive screen, the Medical Review Officer will confirm with the prescribing physician that the medication was prescribed for this individual. Failure to adequately establish a proper basis for the use of any drug to which the individual has tested positive will constitute a violation of this policy.
- c. Employees have the right to be compensated for their time during a substance screening. Hourly waged employees are personally responsible for entering the time on the timesheet during the pay period in which the testing was completed.
- d. CSCSO shall pay all costs of initial testing for drugs and alcohol required by CSCSO by this policy. Employees have the right to question/appeal the results of a substance test/screen, and to request a retest of a positive sample. If an applicant or employee requests a retest of a sample within twenty-four (24) hours of receiving notice of a positive test in order to challenge the results of a positive test result, the applicant/employee shall pay all costs of the retest. If the retest reverses the findings of the challenged positive test, CSCSO shall reimburse the individual for the cost of the retest.

11. Confidentiality of Records

- a. CSCSO shall maintain all drug and alcohol test results and related information, including but not limited to, interviews, reports, statements and memoranda, and EAP related information, as confidential records separate from other personnel records.
- b. Test results and related information shall not be used in any criminal proceeding or any civil or administrative proceeding or otherwise disclosed to third parties except:
 - i. As admissible evidence by CSCSO or the employee in a proceeding before a court or administrative agency if either the employer or the employee is a named party (including but not limited to unemployment hearings, workers' compensation cases, and any other employment-related legal actions);
 - ii. In any action involving the individual tests and CSCSO;
 - iii. When ordered released pursuant to a valid judicial or administrative order; and
 - iv. To provide the agents of CSCSO who need access to the records in the administration of the Oklahoma Standards for Workplace Drug and Alcohol Testing Act.
- c. Test results and related information shall be the property of CSCSO. Upon request of the applicant or employee tested, the test results shall be made available for inspection and copying by the individual tested. The testing facility, or any agent, representative or designee of the facility, or any review

officer, will not disclose to CSCSO, based on the analysis of a sample collected from an individual under this Policy, any information relating to the general health, pregnancy or other physical or mental condition of the individual.

- d. Following receipt of the test results, CSCSO shall not release such records to any person other than the individual tested or the Medical Review Officer, unless the individual tested expressly grants written permission for the release of such records to another party or pursuant to a valid court order or as set forth in section XI (B) above. However, management staff directly involved in the hiring process of the affected applicant, or who must be involved in any disciplinary action and/or rehabilitation program that will impact the employee's regular work schedule, may be informed.

12. Potential Adverse Personnel Actions

- a. Employees who refuse to sign the drug/alcohol free workplace acknowledgement are considered to have engaged in willful misconduct. Their conditional job offer will be withdrawn.
- b. Employees who refuse to participate in the requested substance abuse testing/screening are considered to have engaged in willful misconduct. They will be subject to immediate termination.
- c. Adulteration of a specimen or of a drug or alcohol test/screen shall be considered as a refusal to test. The employee will be subject to immediate termination.
- d. Employees who possess, use or are under the influence of controlled substances and/or drugs or alcohol while at work or during the hours of employment are considered to have engaged in willful misconduct. They will be subject to immediate termination.
- e. An employee who violates this policy by engaging in any prohibited activity may be subject to disciplinary action up to and including immediate termination of employment. CSCSO shall exercise its sole discretion in determining the severity of any disciplinary action.
- f. Any employee who has previously completed a rehabilitation program for drug or alcohol related problems and who has a positive test result is subject to immediate termination.

13. Positive Test Results

- a. If an employee tests positive for a controlled substance, the Medical Review Officer (MRO) at the testing facility will verify with the Oklahoma Bureau of Narcotics whether the employee has a current/valid prescription for the substance. If no prescription is found, the MRO will contact the employee to allow them to explain the positive test result.
- b. If an employee tests positive for marijuana, the MRO or the CSCSO designated management personnel will verify through state records whether the employee has a valid medical marijuana license.
- c. An employee who tests positive may be required to attend an assessment conference with the CSCSO Employee Assistance Program [EAP] counselor. The date and time of the appointment will be arranged by the employee. Failure to attend and cooperate with the EAP counselor is considered willful misconduct and will result in termination of employment.

14. Employee Responsibilities

- a. An employee must notify CSCSO's Human Resource Department in writing of their conviction for a violation of a criminal drug statute occurring in the workplace within five calendar days of said conviction. In turn, CSCSO must notify OKDHS, in writing, within 10 calendar days after receiving notice from the employee.
- b. An employee who, as a part of a medical treatment plan, is required by a physician to use prescribed or over the counter medications [excluding medical marijuana] is responsible for consulting the prescribing physician to ascertain whether the medication may interfere with safe performance of their job duties. Those safety sensitive job duties may include, but are not limited to, working directly with people receiving services, administering medication and providing transportation/driving during hours of employment. If the use of medication could compromise the safety of people receiving services, the employee themselves, fellow employees or the public, it is the employee's responsibility to notify their supervisor to avoid unsafe workplace practices.
- c. Any employee with a reasonable suspicion that another employee is impaired by or under the

influence of drugs and/or alcohol should report this information immediately to Company management.

15. Employer Responsibilities

- a. All employees are provided with periodic information and training regarding the dangers of drug and alcohol abuse and with information about the available community services that deal with dependency issues they, their families, or their friends may have.
- b. When applicants receive a conditional job offer, they are provided a complete copy of CSCSO's Drug & Alcohol-Free Workplace Policy. Any subsequent change to the policy will be made with a ten-day notice to existing employees. Notice shall be posted in a conspicuous place in each office; printed in the Pay Day Post; and posted on the company website.

16. Effect of Policy on Employment Status

- a. This policy does not create a contract of employment or otherwise alter the status of employees as "at will" employees. Accordingly, either CSCSO or the employee may end the employment relationship at any time and for any reason.